



Judiciary II - Criminal Law Committee

**Filed: 3/22/2007**

09500HB1450ham001

LRB095 07359 RLC 33797 a

1 AMENDMENT TO HOUSE BILL 1450

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1450 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 31-6 and 31-7 as follows:

6 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

7 Sec. 31-6. Escape; failure to report to a penal institution  
8 or to report for periodic imprisonment.

9 (a) A person convicted of a felony, adjudicated a  
10 delinquent minor for the commission of a felony offense under  
11 the Juvenile Court Act of 1987, or charged with the commission  
12 of a felony who intentionally escapes from any penal  
13 institution or from the custody of an employee of that  
14 institution commits a Class 2 felony; however, a person  
15 convicted of a felony or adjudicated a delinquent minor for the  
16 commission of a felony offense under the Juvenile Court Act of

1 1987 who knowingly fails to report to a penal institution or to  
2 report for periodic imprisonment at any time or knowingly fails  
3 to return from furlough or from work and day release or who  
4 knowingly fails to abide by the terms of home confinement is  
5 guilty of a Class 3 felony.

6 (b) A person convicted of a misdemeanor, adjudicated a  
7 delinquent minor for the commission of a misdemeanor offense  
8 under the Juvenile Court Act of 1987, or charged with the  
9 commission of a misdemeanor who intentionally escapes from any  
10 penal institution or from the custody of an employee of that  
11 institution commits a Class A misdemeanor; however, a person  
12 convicted of a misdemeanor or adjudicated a delinquent minor  
13 for the commission of a misdemeanor offense under the Juvenile  
14 Court Act of 1987 who knowingly fails to report to a penal  
15 institution or to report for periodic imprisonment at any time  
16 or knowingly fails to return from furlough or from work and day  
17 release or who knowingly fails to abide by the terms of home  
18 confinement is guilty of a Class B misdemeanor.

19 (b-1) A person committed to the Department of Human  
20 Services under the provisions of the Sexually Violent Persons  
21 Commitment Act or in detention with the Department of Human  
22 Services awaiting such a commitment who intentionally escapes  
23 from any secure residential facility or from the custody of an  
24 employee of that facility commits a Class 2 felony.

25 (c) A person in the lawful custody of a peace officer for  
26 the alleged commission of a felony offense and who

1 intentionally escapes from custody commits a Class 2 felony;  
2 however, a person in the lawful custody of a peace officer for  
3 the alleged commission of a misdemeanor offense who  
4 intentionally escapes from custody commits a Class A  
5 misdemeanor.

6 (c-5) A person in the lawful custody of a peace officer for  
7 an alleged violation of a term or condition of probation,  
8 conditional discharge, parole, or mandatory supervised release  
9 for a felony who intentionally escapes from custody is guilty  
10 of a Class 2 felony.

11 (c-6) A person in the lawful custody of a peace officer for  
12 an alleged violation of a term or condition of supervision,  
13 probation, or conditional discharge for a misdemeanor who  
14 intentionally escapes from custody is guilty of a Class A  
15 misdemeanor.

16 (d) A person who violates this Section while armed with a  
17 dangerous weapon commits a Class 1 felony.

18 (Source: P.A. 89-647, eff. 1-1-97; 89-656, eff. 1-1-97; 89-689,  
19 eff. 12-31-96; 90-14, eff. 7-1-97; 90-793, eff. 8-14-98.)

20 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)

21 Sec. 31-7. Aiding escape.

22 (a) Whoever, with intent to aid any prisoner in escaping  
23 from any penal institution, conveys into the institution or  
24 transfers to the prisoner anything for use in escaping commits  
25 a Class A misdemeanor.

1 (b) Whoever knowingly aids a person convicted of a felony,  
2 adjudicated a delinquent minor for the commission of a felony  
3 offense under the Juvenile Court Act of 1987, or charged with  
4 the commission of a felony in escaping from any penal  
5 institution or from the custody of any employee of that  
6 institution commits a Class 2 felony; however, whoever  
7 knowingly aids a person convicted of a felony, adjudicated a  
8 delinquent minor for the commission of a felony offense under  
9 the Juvenile Court Act of 1987, or charged with the commission  
10 of a felony in failing to return from furlough or from work and  
11 day release is guilty of a Class 3 felony.

12 (c) Whoever knowingly aids a person convicted of a  
13 misdemeanor, adjudicated a delinquent minor for the commission  
14 of a misdemeanor offense under the Juvenile Court Act of 1987,  
15 or charged with the commission of a misdemeanor in escaping  
16 from any penal institution or from the custody of an employee  
17 of that institution commits a Class A misdemeanor; however,  
18 whoever knowingly aids a person convicted of a misdemeanor,   
19 adjudicated a delinquent minor for the commission of a  
20 misdemeanor offense under the Juvenile Court Act of 1987, or  
21 charged with the commission of a misdemeanor in failing to  
22 return from furlough or from work and day release is guilty of  
23 a Class B misdemeanor.

24 (d) Whoever knowingly aids a person in escaping from any  
25 public institution, other than a penal institution, in which he  
26 is lawfully detained, or from the custody of an employee of

1 that institution, commits a Class A misdemeanor.

2 (e) Whoever knowingly aids a person in the lawful custody  
3 of a peace officer for the alleged commission of a felony  
4 offense in escaping from custody commits a Class 2 felony;  
5 however, whoever knowingly aids a person in the lawful custody  
6 of a peace officer for the alleged commission of a misdemeanor  
7 offense in escaping from custody commits a Class A misdemeanor.

8 (f) An officer or employee of any penal institution who  
9 recklessly permits any prisoner in his custody to escape  
10 commits a Class A misdemeanor.

11 (f-5) With respect to a person in the lawful custody of a  
12 peace officer for an alleged violation of a term or condition  
13 of probation, conditional discharge, parole, or mandatory  
14 supervised release for a felony, whoever intentionally aids  
15 that person to escape from that custody is guilty of a Class 2  
16 felony.

17 (f-6) With respect to a person who is in the lawful custody  
18 of a peace officer for an alleged violation of a term or  
19 condition of supervision, probation, or conditional discharge  
20 for a misdemeanor, whoever intentionally aids that person to  
21 escape from that custody is guilty of a Class A misdemeanor.

22 (g) A person who violates this Section while armed with a  
23 dangerous weapon commits a Class 2 felony.

24 (Source: P.A. 89-656, eff. 1-1-97; 89-689, eff. 12-31-96.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".